



07-01-2002

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

06-14-2002



U.S. Patent & TMO/TM Mail Rpt Dt. #22 Commissioner

102140373

original documents or copy thereof.

1. Name of conveying party(ies):  
David White LLC

*6-14-02*

Individual(s)                       Association  
 General Partnership             Limited Partnership  
 Corporation-State  
 Other Limited Liability Company

2. Name and address of receiving party(ies):

Name: American National Bank and Trust Company of Chicago  
Internal Address: \_\_\_\_\_  
Street Address: 30 South Wacker Drive  
City: Chicago State: Illinois Zip: 60604

Additional name(s) of conveying party(ies) attached?  Yes  No

Individual(s) citizenship \_\_\_\_\_  
 Association \_\_\_\_\_  
 General Partnership \_\_\_\_\_  
 Limited Partnership \_\_\_\_\_  
 Corporation-State \_\_\_\_\_  
 Other National Banking Association

3. Nature of conveyance:

Assignment                       Merger  
 Security Agreement             Change of Name  
 Other Order Permitting Bank to Make UCC Sale

If assignee is not domiciled in the United States, a domestic representative designation is attached:  Yes  No

Execution Date: April 29, 2002

(Designations must be a separate document from Assignment)

Additional name(s) & address(es) attached?  Yes  No

4. Application number(s) or registration number(s).

A. Trademark Application No. (s)  
76/190,296

B. Trademark registration No. (s)  
1,630,688  
1,826,181

Additional numbers attached:  Yes  No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Timothy J. Engling  
Internal Address: \_\_\_\_\_  
Lee, Mann, Smith, McWilliams, Sweeney & Ohlson  
Street Address: P.O. Box 2786  
City: Chicago State: Illinois Zip: 60690-2786

6. Total number of applications and registrations involved: three

7. Total fee (37 CFR 3.41)            \$ 120

Enclosed  
 Authorized to be charged to deposit account

8. Deposit account number:  
12-0913

(Attach duplicate copy of this form if paying by deposit account.)

DO NOT USE THIS SPACE

9. Statement and signature.  
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Timothy J. Engling                      *Timothy J. Engling*                      June 10, 2002  
Name of Person Signing                      Signature                      Date

Total number of pages comprising cover sheet: 7

06/28/2002 DBYRNE 00000132 76190296

01 FC:481 10.00 OP  
02 FC:482 50.00 OP

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06/28/2002 DBYRNE  
CHECK Refund Total: \$50.00

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*MAS*

**MINUTES and ORDER**

David White, L.L.C.  
02-22543  
Chapter 7

1. Pre-Hearing Conference on Motion of American National Bank and Trust Company of Chicago for an Order Granting Relief from the Automatic Stay, Prohibiting the Use of Cash Collateral, and Directing the Trustee to Abandon, or, in the Alternative, Granting Adequate Protection
2. Hearing on Motion to Name Responsible Person Pursuant to Local Rule 1013
3. Pre-Hearing Conference on Motion of Environmental Associates, Inc. for Relief from the Automatic Stay

April 29, 2002

Appearances: Mike Dubis, Panel Trustee  
Robert K. Steuer for the Petitioning Creditors  
Emory Ireland for American National Bank & Trust Co. of Chicago  
Patricia Gilbeault (for the Prepetition Debtor?)  
Andrews J. Wronski for American National Bank & Trust Co. of Chicago  
Richard E. Braun for State of Wisconsin Department of Workforce Development  
David Cisar for David White Formation, LLC  
Peter C. Blain for Robert Foote  
Marianne Robbins for PACE Local 7-0379  
Paul Karlen of American National Bank and Bank One

Judge: Russell A. Eisenberg  
Courtroom Deputy: John A. Crandall  
Court Reporter: Kristen Wurgler/Schindhelm-Peppey Reporting

Following discussion and argument, for the reasons read into the court record, which can be found in the court reporter's notes, the court:

1. Conducted the Pre-Hearing Conference on Motion of American National Bank and Trust Company of Chicago for an Order Granting Relief from the Automatic Stay, Prohibiting the Use of Cash Collateral, and Directing the Trustee to Abandon, or, in the Alternative, Granting Adequate Protection. With the consent of the parties, the court deemed this preliminary hearing to be the final hearing.

The motion was granted to the extent stated in a separate order which the court signed upon the conclusion of this hearing;

2. Granted the Motion to Name Responsible Person Pursuant to Local Rule 1013. The responsible person shall be Robert T. Foote, Jr., and he shall appear at the 341 meeting; and
3. Conducted the Pre-Hearing Conference on Motion of Environmental Associates, Inc. for Relief from the Automatic Stay. With the consent of the parties, the court deemed this preliminary hearing to be the final hearing. The motion was granted to permit the filing of the lien without any adjusting of the priorities. The lien shall be effective as of the date of the filing of the lien.

It is so ordered.

April 29, 2002

  
United States Bankruptcy Judge

pc: all attorneys who appeared

TOTAL P.02

4128

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WISCONSIN

In re:

*David White, L.L.C.,*

Case No. 2002-22543-RAE

Chapter 7

Debtor.

**ORDER GRANTING MOTION OF AMERICAN NATIONAL BANK AND TRUST  
COMPANY OF CHICAGO FOR RELIEF FROM THE AUTOMATIC STAY AND  
PROHIBITING THE USE OF CASH COLLATERAL**

This matter coming before the Court pursuant to the Motion of American National Bank and Trust Company of Chicago ("ANB") for an Order Granting Relief From the Automatic Stay, Prohibiting the Use of Cash Collateral and Directing the Trustee to Abandon or, in the Alternative, Granting Adequate Protection (the "Motion"); the Court having reviewed the Motion and having heard the statements of counsel in support of the relief requested therein at a hearing before the Court (the "Hearing"); it appearing to the Court that (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), ~~and (c) there has been no objection to the Motion, to the extent that the Motion seeks relief from the automatic stay, within the time prescribed by Local Rule 9014.1(c); the Court finding that (i) the notice given by ANB under~~

*R*

Order prepared by:  
Andrew J. Wronski  
Foley & Lardner  
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~~the circumstances was sufficient, (ii) "cause" exists within the meaning of Section 362(d)(1) of the Bankruptcy Code for granting relief from stay in accordance with Motion, as the Collateral (as defined in the Motion) has declined and continues to decline in value, (iii) the Debtor is not reorganizing and, therefore, relief from the automatic stay is also authorized pursuant to Section 362(d)(2) of the Bankruptcy Code, and (iv) cause exists for ordering that this Order not be stayed as provided in Federal Rule of Bankruptcy Procedure 4001(a)(3); and the Court~~  
being fully advised in the premises and having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein;

**IT IS HEREBY ORDERED that:**

1. The Motion shall be, and hereby is, granted in part and denied in part, as specified herein.
2. ANB shall be, and hereby is, granted relief from the automatic stay pursuant to Sections 362(d)(1) and 362(d)(2) of the Bankruptcy Code to exercise any and all rights and remedies available to ANB under ~~the Loan Documents (as defined in the Motion)~~ and other applicable law with respect to the Collateral (as defined in the Motion), including the Cash Collateral.
3. Without limiting the relief granted in paragraph 2 hereof, ANB shall be, and hereby is, specifically authorized to (a) exercise any and all rights under the Deposit Account Control Agreement (or any other applicable agreement) between ANB and Bank One, Wisconsin, to transfer to ANB all amounts on deposit in the Deposit Accounts (as defined in the Motion) and all other Cash Collateral, and to apply such amounts and Cash Collateral against the Debtor's obligations pursuant to the Loan Documents; and (b) notify any and all

obligors with respect to the Debtor's accounts receivable, general intangibles, contract rights, causes of action, rights to payment, other amounts or obligations owed by third-parties to the Debtor, and all products and proceeds thereof to remit all payments in respect of the foregoing directly to ANB, and not to the Debtor or the Chapter 7 Trustee.

4. The Chapter 7 Trustee shall be, and hereby is, prohibited from using Cash Collateral, and is authorized and directed to remit and turn over all Cash Collateral now in or hereafter coming into the Chapter 7 Trustee's possession to ANB immediately.

5. This Order, and each provision hereof, shall be effective immediately upon entry and shall not be stayed as provided in Federal Rule of Bankruptcy Procedure

4001(a)(3) **AS TO ADVERTISING AND NOTICE OF DISPOSITION OR THE COLLECTION OF ACCOUNTS RECEIVABLE. ETC**

6. In light of the foregoing, ANB's alternative request for adequate protection is moot and, therefore, shall be, and hereby is, denied.

7. Nothing in this Order shall be construed to alter or waive the Chapter 7 Trustee's ability to assert any of the claims identified in the Trustee's Statement as to Motion of American National Bank and Trust Company for Relief from Stay and for Abandonment with Reservation of Rights and Declaration of Trustee's Intent.

8. Nothing in this Order shall be construed to alter or waive any rights of the employees of the Debtor with respect to any amounts that may be owed to them by any person or corporation, including but not limited to the Debtor, state receiver, ANB, and any purchaser(s) of the assets of the Debtor.

9. Nothing in this Order shall be construed to alter or waive any of the rights, claims, or arguments of the Wisconsin Department of Workforce Development,

identified in the Wisconsin Department of Workforce Development's Response to American National Bank and Trust's Motion for Relief from Stay and Related Motions.

Dated this 29<sup>th</sup> of April, 2002.



Russell A. Eisenberg,  
United States Bankruptcy Judge